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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,243	11/01/2000	Carl J. Sinfield	QM1.5802.1	2616

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EXAMINER

JIMENEZ, MARC QUEMUEL

ART UNIT	PAPER NUMBER
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3726

DATE MAILED: 02/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K.

# Office Action Summary

Application No.

09/703,243

Applicant(s)

SINFIELD, CARL J.

Examiner

Marc Jimenez

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claim 5** is rejected under 35 U.S.C. 102(b) as being anticipated by Galli et al. (5,234,326).

Galli et al. teach a method for making a ventless tire mold (fig. 4), comprising: developing three dimensional models of tire tread portions and installing sipes into the models (In col. 8, lines 51-55, Galli et al. teach forming pitch profiles **10-12** utilizing a casting technique. In casting techniques, it is inherent that a mold (or a “model”) is used to form the castings and comprise the desired tread design which includes the sipes. For instance the pitch profiles **10-12** have ribs **12a** which are used to form sipes on the tire surface.), generating foundry castings (col. 8, lines 51-55) from the models having the sipes installed, preparing individual pitch profiles **10-12** from the foundry castings (col. 8, lines 51-55), and assembling a mold (fig. 4) by nestingly interconnecting a plurality of the prepared individual pitch profiles **10-12**.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 6-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Galli et al. (5,234,326) in view of Applicant's Admitted Prior Art [AAPA] (page 1, lines 16-24 of applicant's specification).

Galli et al. teach the invention cited above with the exception of the three dimensional models being cut by a multi-axis CNC machine.

[AAPA] teaches using a multi-axis CNC machine to cut a three dimensional model (page 1, lines 16-18) that is made of REN board, plaster, or the like.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Galli et al. with the three dimensional models being cut by a multi-axis CNC machine, in light of the teachings of [AAPA], in order to utilize an automated machining process that can create intricate designs in the model.

Note that Galli et al. teach that each tire tread portion corresponds to a pitch **10-12** and undercut ribs **12a** are formed in the tire tread portions for receiving the sipes.

*Response to Arguments*

5. Applicant's arguments filed 12/10/02 have been fully considered but they are not persuasive.

6. Applicant argues that Galli does not teach the fabrication and joinder in a mold of individual pitch profiles. However, as shown in fig. 4 and 12, there is clearly shown a mold 3 of individual pitch profiles 11. As also describe in col. 2, lines 35-40, the mold is composed of a plurality of small separate pieces assembled to form the mold matrix, and these blocks are worked in such a way that they can be assembled to form the mold matrix, maintaining a clearance between the blocks. Like fig. 2 of applicant's specification which show pitches 18 assembled to form the mold in fig. 3, Galli also teaches the individual pitches 11 assembled to form the mold shown in fig. 4 and 5. Given the broadest reasonable interpretation of the claims the blocks 11 of Galli correspond to the claimed "pitches".

7. Applicant argues that Galli does not teach sipes because the ribs 12a do not form sipes. However, on page 3, lines 9-11 of applicant's response filed 12/10/02, applicant states that "In the context of tire molds to which this application pertains, a sipe is the metal strip, rib, or the like used to form the sipe in the tire." Therefore, if Galli teaches ribs 12a as applicant admits on page 3, lines 19-20, then Galli clearly teaches a sipe used to form the sipe in the tire.

8. Applicant argues that Galli does not teach a "ventless" mold, however, Galli specifically states that the blocks 11 do not have holes or slots as in the prior art (col. 1, lines 25-30) and the way the prevent burrs or bubbles in the tread pattern of the tire is by providing a clearance between each block (col. 2, lines 39-40). This is also what applicant considers a "ventless" mold. As described on page 4, lines 18-20 of applicant's specification, the abutting pitches 18, when

Art Unit: 3726

connected to abutting pitch lines **20**, define interfaces to provide passage for air to vent the mold.

These are the same features that Galli discloses.

9. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., individual pitch profiles cut from foundry castings to form a mold by nesting interengagement) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

***Interviews After Final***

11. Applicant note that an interview after a final rejection will not be granted unless the intended purpose and content of the interview is presented briefly, in writing (the agenda of the interview must be in writing) to clarify issues for appeal requiring only nominal further consideration. Interviews merely to restate arguments of record or to discuss new limitations will be denied. See MPEP 714.13 and 713.09.

***Contact Information***

12. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information. M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers or other general questions should be directed to Tech Center 3700 Customer Service at (703) 306-5648, or fax (703) 872-9301 or by email to [CustomerService3700@uspto.gov](mailto:CustomerService3700@uspto.gov).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number is **703-306-5965**. The examiner can normally be reached on **Monday-Friday, between 5:30 am- 2:00 pm**.

Art Unit: 3726

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Other helpful telephone numbers are listed for applicant's benefit.

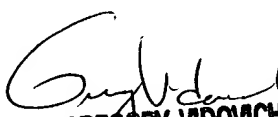
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If the information desired is not provided above, or a number has been changed, please call the general information help line below.

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**MJ**

February 12, 2003

  
**GREGORY VIDOVICH**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3700**